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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. MJ 09-09  
09 Plaintiff, ) [DNH Case No. 08-CR-164-03]  
10 v. )  
11 JAMES BELL, ) DETENTION ORDER  
12 Defendant. )  
13 \_\_\_\_\_ )

14 Offense charged: Conspiracy to Possess with Intent to Distribute Marijuana and to  
15 Distribute Marijuana

16 Date of Detention Hearing: January 15, 2009

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
19 that no condition or combination of conditions which defendant can meet will reasonably assure  
20 the appearance of defendant as required and the safety of other persons and the community.

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 1. Defendant has been charged in the District of New Hampshire with a drug offense

01 the maximum penalty of which is in excess of ten years. There is therefore a rebuttable  
02 presumption against defendant as to both dangerousness and flight risk, under 18 U.S.C. §3142(e).

03 2. Defendant has few ties to the District of New Hampshire or to this District. He  
04 is believed to have “dual citizenship” in the United States and Canada. He is not currently  
05 employed, being on a leave of absence due to current lack of work. There is a warrant pending  
06 in British Columbia for failure to appear and breach of personal recognizance bond in a case in  
07 which he is charged with threats to cause death or bodily harm, and threats to burn, destroy or  
08 damage property.

09 3. The defendant poses a risk of nonappearance because of a somewhat unstable living  
10 situation, lack of ties to this District or the charging district, lack of employment, use of alcohol,  
11 frequent travel to Canada and dual citizenship in that country, and a warrant for failure to appear.  
12 He poses a risk of danger based on the nature of pending charges in Canada and daily use of  
13 alcohol.

14 4. Taken as a whole, the record does not effectively rebut the presumption that no  
15 condition or combination of conditions will reasonably assure the appearance of the defendant as  
16 required and the safety of the community.

17 It is therefore ORDERED:

18 (1) Defendant shall be detained pending trial and committed to the custody of the  
19 Attorney General for confinement in a correction facility separate, to the extent  
20 practicable, from persons awaiting or serving sentences or being held in custody  
21 pending appeal;

22 (2) Defendant shall be afforded reasonable opportunity for private consultation with

counsel;

- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 15th day of January, 2009.

  
Mary Alice Theiler  
United States Magistrate Judge